

REMARKS

This amendment is in response to the second, non-final Office Action dated on the 17th of August, 2005. Upon entry of this amendment, claims 1-20 will be pending. Applicant has amended claims 4 and 5 by this amendment and has newly added claims 16-20 by this amendment.

Amendment to Drawings

Drawing (FIG. 1 through FIG. 5) are amended for the purpose of clarity. Replacement sheet of the drawing is submitted with this amendment.

Status of Claims

Claim 1 through 15 are pending. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by McVoy (U.S. Patent Number 3,684,823). Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McVoy (U.S. Patent Number 3,684,823). Claims 1 through 11 are allowed. Claim 13 is objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant appreciates the Examiner's indication of allowability concerning claims 1 through 11.

Rejection of Claim 12 under 35 U.S.C. 102(b)

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by McVoy (U.S. Patent Number 3,684,823). Applicant respectfully traverses the Examiner's rejection as follows.

In support of the rejection, the Examiner wrote:

“McVoy discloses a television communication system comprising a television receiver apparatus (see fig 3, col 2 lines 32-34).

McVoy further discloses the television receiver includes a R.F. tuner 94 which is adjustable to selectively receive video signals representing a program of video images.

McVoy further discloses the received cable television video signals transmitted from the headend include control signals (see Abstract, col 1 lines 60-67, col 7 lines 3-57). It is noted that the control signals meet the claimed “discretionary control data”.

McVoy further discloses the headend transmits two control signals, a 20 cycle signal and 30 cycle signal. The received 30 cycle results in a low voltage 60 cycle signal which disables the output signal (see col 7 lines 40-46).

The control signals are detected by FM discriminator 122 and control circuitry 132 (see fig 3, col 7 lines 19-45) and thus McVoy discloses the claimed ‘viewing restricting stage detecting said discretionary control data’ as claimed.

McVoy further discloses the 60 cycle control signal blocks the AGC when the cycle in above the 20 cycle threshold (see col 6 lines 45-68, col 7 lines 3-17).”

Applicant submits that the Examiner failed to establish a *prima facie* case under 35 U.S.C. 102(b) that a claim is anticipated only if each and every element as set forth in the claim is found,

either expressly or inherently described, in a single prior art reference.¹

In claim 12, Applicant claims that the program is blocked “when the discretionary control data is greater than a discretionary threshold.” In the present Office action, the Examiner says that the control signals of McVoy read on Applicant’s discretionary control data. Applicant disagrees. Applicant submits that the control signals of McVoy are not discretionary and thus repugnant to the term “discretionary control”.

Applicant submits that “discretionary control”, in the context of video programming, pertains to parental discretion regarding the viewing of programs having sex, violence, foul language, ratings, etc. Applicant submits that the control signal in McVoy does not pertain to discretionary control, but to whether the subscriber of the CATV service has paid his bill or whether the subscriber of the service has paid for the program or paid to receive a channel. This is entirely unrelated to parental discretion.

Parental discretion blocking requires an act of blocking at the subscriber’s end. This is not true with the controls of McVoy as the blocking in McVoy is done at the headend, not at the subscriber’s end. A block in McVoy can only be overcome by calling the cable TV services provider and correcting the situation with them. This is not true for discretionary controls. Discretionary blocking is overcome not through the service provider, but through the parent at the subscriber’s end who has a password. For this reason, Applicant objects to the Examiner’s statement that the control

¹ Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), or MPEP § 2131

signals of McVoy read on Applicant's "discretionary control".

Applicant further submits that "discretion" is defined as being left to individual judgement. Applicant submits that the individual subscriber has no discretion in the control signals of McVoy because the control signals in McVoy are set by the cable TV provider, not by the subscriber. In Applicant's invention, the parent at the subscriber's end sets the threshold. If the parent wants to see everything and have nothing blocked, the parent can set the threshold at a low level and the situation is easily solved. In McVoy, to overcome a blocked channel, the subscriber is at the mercy of the cable TV company. Therefore, the control signals of McVoy can not read on Applicant's discretionary controls. Therefore, the rejection to claim 12 must be withdrawn.

Again regarding claim 12, the Examiner asserted that "McVoy further discloses *the 60 cycle control signal blocks the AGC* when the cycle is above the 20 cycle threshold (see col 6 lines 45-68, col 7 lines 3-17)." Applicant disagrees. Applicant submits that the Examiner inaccurately interpreted that 60 cycle control signal blocks the AGC. McVoy '823 explains that the 60 cycle wave is applied to the first IF as a disabling signal², and then, the effect of the applied a.c. signals will be to amplitude modulate the amplifier with 60 cycles³ and the picture on the CRT will be severely modulated with 60 cycle hum and will be unuseable⁴. 60 cycle control signal itself serves as a disabling signal. Through the entire specification of McVoy '823, there is no teaching that 60 cycle

² Col. 6, lines 53-54 of McVoy '823

³ Col. 6, lines 56-58 of McVoy '823

⁴ Col. 6, lines 61-62 of McVoy '823

control signal blocks automatic gain control (AGC). Therefore, Applicant submits that jamming the CRT display to render a picture unviewable at the CRT as in McVoy cannot read on Applicant's blocking AGC signals for a tuner. Because the way the picture is blocked in McVoy is strikingly different from Applicant's claimed invention, the rejection of claim 12 cannot stand.

McVoy '823 states "the time constant in the automatic gain control circuit is of the order of five seconds and *as a result the AGC arrangement will be unable to respond to the 60 cycle signal.*"⁵ If AGC arrangement is not able to respond to the 60 cycle signal, how does 60 cycle signal block the AGC? McVoy '823 does not teach blocking AGC signals as alleged by the Examiner.

Again regarding claim 12, the Examiner asserted that "McVoy further discloses the 60 cycle control signal blocks the AGC *when the cycle is above the 20 cycle threshold* (see col 6 lines 45-68, col 7 lines 3-17).". Applicant disagrees. Applicant submits that there is no comparable "threshold" in McVoy. The Examiner states that 20 cycle serves as a threshold of 60 cycle control signal. McVoy '823 teaches that "[i]f no 20 cycle control signal is received there will be no output on the inverter 160 and the switching transistor 162 will be conducting. The 60 cycle wave is then applied to the first IF as a disabling signal."⁶ Applicant submits that this 20 cycle control signal can not read on Applicant's threshold. In the absence of the 20 cycle control signal, 60 cycle control signal is applied to the first IF, and then modulate the amplifier to make the picture on the CRT unuseable. When 20 cycle control signal is received causing an output on the inverter 160, the switching

⁵ Col. 6, lines 63-66 of McVoy '823

⁶ Col. 6, lines 50-54 of McVoy '823

transistor 162 becomes non-conducting, resulting in normal operation of the receiver.⁷ From the teaching of McVoy '823, it is clear that the 20 cycle signal does not serve as a threshold signal but as a switching signal of the inverter 160 and then the switch 162 to control the application of the 60 cycle control signal.

Applicant's claim 12 reads in part "blocking automatic gain control signals for said tuner receiving the program *when the discretionary control data is greater than a discretionary threshold.*" In the assertion, the Examiner inaccurately interpreted that 60 cycle control signal is greater than 20 cycle, but through the entire specification, McVoy '823 does not suggest any process or element for comparing 60 cycle and 20 cycle. McVoy '823 explains "20 to 30 cycles per second are particularly suitable because in practically all television receivers, such frequency is below the frequency response of the loudspeaker or loudspeakers of most receivers."⁸ McVoy '823 further teaches that "if another frequency is used the tuning circuit 142 will have appropriate parameters."⁹ Therefore, according to the teaching of McVoy '823, a signal of 20 cycles is selected because the loudspeaker does not respond to the 20 cycle signal, and 60 cycle control signal is applied to the first IF to make the picture on the CRT unuseable when there is no 20 cycle control signal on the inverter 160, which makes the switch 162 conductive.¹⁰

⁷ Fig. 6 and col. 6, line 66 through col. 7, line 2 of McVoy '823

⁸ Col. 5, lines 38-42 of McVoy '823

⁹ Col. 5, lines 36-37 of McVoy '823

¹⁰ Col. 6, lines 50-53 of McVoy '823

From the view of the above arguments, McVoy '823 doesn't disclose "a viewing restricting stage detecting said discretionary control data of the program received through said tuner and blocking automatic gain control signals for said tuner receiving the program when the discretionary control data is greater than a discretionary threshold" as claimed by the Applicant.

In conclusion, the cited prior art, McVoy '823 failed to provide each and every element of the claim 12. Absent of all elements of claim 12, there is no anticipation. Therefore, withdrawal of the rejection and allowance of the claim 12 is respectfully requested.

Rejection of Claims 14 and 15 under 35 U.S.C. 103(a)

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McVoy (U.S. Patent Number 3,684,823). For the reason stated above, claims 14 and 15 are deemed to be patentable over the cited prior art. Withdrawal of the rejection of claims 14 and 15 is respectfully requested.

Applicant is amending each of Applicant's 5 figures and the specification to correct for errors and to make the entire patent application consistent and coherent.

Applicant has amended allowed claims 4 and 5 by this amendment to correct for errors and to improve the clarity thereof.

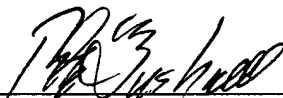
Applicant has also newly added claims 16-20 by this amendment. Claims 16-18 further

define the terms "discretionary control data" and "discretionary threshold" of claim 12 and were added to supplement Applicant's traversal of the rejection of claim 12. Claims 19 and 20 were added to claim an embodiment of Applicant's invention where there is only one tuner present but both the AFT and the AGC signals are blocked to prevent the recording of a blocked program. Entry of and favorable examination of these claims is respectively requested.

No fees are incurred by the filing of this amendment.

In view of the above, all claims are submitted to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



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